

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CREATIVE TECHNOLOGY LTD., a Singapore
Corporation,

No. C 06-3218 SBA

Plaintiff,

**ORDER STAYING ACTION PURSUANT
TO 28 U.S.C. SECTION 1659**

v.

APPLE COMPUTER, INC., a California
Corporation,

Defendant.

On May 15, 2006, Plaintiff Creative Technology Ltd. ("Creative") filed its Complaint alleging infringement of U.S. Patent No. 6,928,433 against Defendant Apple Computer, Inc. ("Apple") in the above-captioned action. Creative also filed a complaint with the United States International Trade Commission ("ITC") on May 15, 2006, alleging that Apple is in violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337(a)(1)(B)(i) and (b)(1), based on the alleged infringement of U.S. Patent No. 6,928,433. On May 17, 2006, Apple filed an Answer to Creative's complaint in the above-captioned case and stated that in accordance with 28 U.S.C. § 1659, Apple intended to request a stay of this action if and when the ITC instituted an investigation. On June 14, 2006, the ITC published a Notice of Investigation formally instituting Investigation No. 337-TA-573, entitled *Certain Portable Digital Media Players, Components Thereof and Products Containing Same*, naming Apple as Respondent thereto. On June 26, 2006, the parties filed the instant Stipulation requesting a stay of all proceedings in this action until the determination of the ITC in Investigation No. 337-TA-573 becomes final [Docket No. 23].

28 U.S.C. § 1659 provides that, upon the request of any party to a civil action that is also a respondent in an ITC investigation, the Court "shall stay, until the determination of the Commission becomes final, proceedings in the civil action with respect to any claim that involves the same issues

involved in the proceeding before the Commission." 28 U.S.C. § 1659.

Having considered the stipulation and good cause appearing,

IT IS HEREBY ORDERED THAT this action is STAYED in its entirety until the determination of the ITC in Investigation No. 337-TA-573 becomes final. All dates and deadlines established in this matter, including the hearing on Apple's Motion to Stay and the Case Management Conference, are VACATED.

IT IS FURTHER ORDERED THAT Plaintiff shall promptly inform the Court in writing of the status of the case no later than ten (10) days after the determination of the ITC in Investigation No. 337-TA-573 becomes final.

IT IS SO ORDERED.

Dated: 7/10/06


SAUNDRA BROWN ARMSTRONG
United States District Judge